

Appl. No. 09/902,144
Docket No. 8633
Amdt. dated 08/09/07
Reply to Office Action mailed on 05/04/07
Customer No. 27752

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of identifying a ~~[[optimizing]]~~ shelf space size set ~~associated with for a product of a product category in a scenario by generating an optimal value for shelf space set data, wherein said method comprises~~ comprising the steps of:

(i) ~~receiving factor data associated with the product; [[,]] selected from the group chosen from categories, financial data, and product identification;~~

(ii) receiving factor data associated with the product category, wherein the factor data associated with a product category comprises product category sales;

~~(ii) receiving hypothetical sets of constant value data, and assigning the hypothetical sets of constant data to said factor data;~~

(iii) receiving hypothetical sets of shelf space size set ~~[[data]]~~ for the product; and

~~(iv) receiving optimizing instructions data operable to determine an optimal value for the shelf space set data;~~

~~(v) inputting said factor data, hypothetical sets of constant value data, and said optimizing instructions in a computer program executable on a computer;~~

~~(vi) executing the computer program on the computer to generate the optimal value for the shelf space set data.~~

(iv) identifying the shelf space size set for the product, among the hypothetical sets of shelf space size set data, by mathematically optimizing for the product category sales based upon: said factor data associated with the product; and said factor data associated with the product category.

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Claims 2-5 (Canceled)

6. (Currently Amended) The method of claim 1, wherein factor data further comprises
~~comprising: using historical values for the factor data to modify the calculation.~~

Claims 7-15 (Canceled).

16. (Previously Presented) The method of claim 1, wherein the factor data further includes a store identification, a geographical identification, a manager identification, or combinations thereof.

Claims 17-22 (Canceled)

23. (Currently Amended) The system of claim [[17,]] **16**, wherein at least a portion of the factor data is dynamically received as a sale occurs within a store.

24. (Canceled)

25. (New) A method of identifying a shelf space size set for a first product category for a retail store comprising the steps of:

- (i) receiving factor data associated with the first product category at a retail store comprising financial data;
- (ii) receiving factor data associated with a plurality of product categories at the retail store, wherein the factor data associated with the plurality of product category comprises sales for the plurality of product categories;
- (iii) receiving hypothetical sets of shelf space size set for the product category;
- (iv) identifying the shelf space size set for the product category, among the hypothetical sets of shelf space size set data, by mathematically optimizing for the sales of the plurality of product category sales based upon: said factor data associated with the product category; and said factor data associated with the plurality of product categories.

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26. (New) The method of claim 25, wherein the factor data further includes a store identification, a geographical identification, a manager identification, or combinations thereof.

27. (New) The system of claim 26, wherein at least a portion of the factor data is dynamically received as a sale occurs within a store.